

## HUMAN SERVICES BOARD

# INTRODUCTION

## DISCUSSION

Although the case has had a long and tortuous procedural history, the essential facts are no longer in dispute. The petitioner was a long-term recipient of Food Stamps. Her case was reviewed on a routine periodic basis in June 2008. During a phone interview with the Department at that time the petitioner revealed that she had sold some property in the summer of 2007 for \$53,000. Documentation received by the Department on July 2, 2008 showed that the petitioner's net proceeds from the sale were \$27,929.69. The petitioner was able to document that out of that amount she had spent

\$11,941.52 on repairs and renovations to her home, leaving \$15,988.17 unaccounted for. On July 18, 2008, following a request by the Department for further verification of how she had spent this money, the petitioner revealed that her husband (who had since died) had received a previously-unreported lump retirement settlement of \$17,162.89 in the 2007 tax year.

Based on this information, and receiving no further verification from the petitioner regarding her disposition of these amounts, the Department sent the petitioner a notice dated September 8, 2008 denying her application for Food Stamps due to her being over resources.

The petitioner appealed this decision to the Board on October 16, 2008. An initial hearing was held on November 11, 2008. At that time the petitioner maintained that she could verify that had spent all her resources on home improvements, and the matter was continued to December 4, 2008 to allow her to provide verification of her banking transactions to show that the money had all been spent.

On December 3, 2008, having received nothing from the petitioner, the Department issued a revision of its earlier (September 8) decision denying the petitioner's application

for Food Stamps based on her failure to provide verification of her lack of resources.

At the hearing on December 4, 2008 the matter was again continued to allow the petitioner additional time to obtain bank statements regarding the activity in her accounts since 2007. At a rescheduled hearing on January 12, 2009, the petitioner again represented that she was having difficulty obtaining the statements in question, and the matter was again continued. At both hearings the Department offered its willingness to help the petitioner and her representative obtain the requested information.

At a hearing held on February 13, 2009, the petitioner reported that she was still having problems with the banks obtaining the information. The hearing officer pointedly set a deadline of 30 days for the petitioner to provide verification of the activity in all her bank accounts from April 2007 to the present. The petitioner and her representative did not object and stated that they fully understood the information they needed to verify.

At a hearing held on March 13, 2009 the petitioner admitted that she had not verified information regarding all of her bank accounts. The hearing officer informed the petitioner that he would not consider any further evidence

regarding the petitioner's prior eligibility for Food Stamps, but he advised the petitioner to reapply if she felt she might still be able to provide the requested verification, and he continued the matter to allow the Department to consider any subsequent application.

The petitioner reapplied for Food Stamps on March 18, 2009. A telephone status conference was held on April 2, at which time the petitioner reported that she had all the information the Department had requested. On April 17, 2009 the Department notified the petitioner that it had granted her Food Stamps effective the date of her reapplication, March 4, 2009.

At a status conference held on May 15, 2009 the parties reported that they were attempting to resolve an issue as to the petitioner's eligibility for fuel assistance. At a status conference on July 2, 2009, the petitioner reported that all issues had been resolved to her satisfaction except for her retroactive eligibility for Food Stamps prior to her reapplication in March 2009.

ORDER

The Department's decision of September 8, 2008 denying the petitioner's application for Food Stamps for failure to verify her resources is affirmed.

REASONS

The Department has authority under the Food Stamp regulations to establish reasonable verification requirements for any "factor which affects household eligibility or allotment level". Food Stamp Manual §§ 273.2(f)(2)-(6). The regulations also provide that "the household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information". Id. § 273.2(f)(5). Although the same regulations require the Department to provide reasonable assistance to households in obtaining verification, this is not at issue in this case. Here the petitioner gave repeated assurances that she could and would promptly verify her claimed expenditures, but she inexplicably failed to do so in a "timely" manner, which ultimately amounted to nine months, including five months *after* she filed her appeal.

Inasmuch as the Department's decision in this matter was clearly in accord with the pertinent regulations, the Board

is bound to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule  
No. 1000.4D.

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